

Inspections

WAC 296-900-120

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Inspections

WAC 296-900-120

Rule

WAC 296-900-12005

WISHA inspections

- WISHA conducts the following types of **programmed** inspections:

- Hazardous workplaces.

WISHA identifies hazardous workplaces using objective criteria and inspection-scheduling systems that may include any of the following factors:

- Type of industry.
- Injury and illness data that identifies hazards.
- Employer's industrial insurance experience.
- Number, type, and toxicity of contaminants in the workplace.
- Degree of exposure to hazards.
- Number of employees exposed.
- Other factors, such as history of employee complaints.



Note:

WISHA periodically reviews the scheduling systems and may adjust the type or significance of each criteria.

- High hazard industries that include the following:
 - Agriculture
 - Asbestos renovation and demolition
 - Construction
 - Electrical utilities and communications
 - Logging
 - Maritime

-Continued-



WAC 296-900-12005

WISHA inspections (continued)

- WISHA conducts the following types of **unprogrammed** inspections of workplaces that may be in violation of WISHA safety or health requirements or chapter 49.17 RCW, the Washington Industrial Safety and Health Act. These inspections may focus only on certain areas or processes in a workplace or, depending on initial findings, may be expanded to include the entire workplace. Unprogrammed inspections may occur because of:
 - Complaints from current employees or employee representatives who believe they have been exposed to a hazard because of a violation.
 - Referrals from anyone, including former employees, who reasonably believes that workers under WISHA jurisdiction are being, or have been, exposed to a hazard because of a violation.
 - Workplace deaths, catastrophic events, or serious injury or illness.
 - A reason to believe that employees may be in imminent danger of serious injury or death.
 - Follow-up inspections to verify that hazards identified in a previous inspection have been corrected.



Inspections

WAC 296-900-120

Rule

WAC 296-900-12010

Inspection techniques

- During an inspection, WISHA staff may:
 - Take samples, photographs, videotapes, or audiotapes
 - Conduct tests or interviews
 - Ask employees to wear sampling devices
 - Privately question, on or off the worksite, any:
 - Employer
 - Employer representative
 - Owner
 - Operator
 - Employee
 - Employee representative
 - Employ any other reasonable investigative techniques

WAC 296-900-12015

Complaints

Employees or employee representatives may:

- File a written complaint if they believe they have been exposed to a hazard that's a violation of WISHA safety and health requirements.

What to expect from WISHA:

- After receiving a written complaint from an employee or employee representative, WISHA reviews the allegations and responds according to Table 2, WISHA Responses to Employee Complaints.

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WAC 296-900-12015

Complaints (continued)

Table 2

WISHA Responses to Employee Complaints

For this determination	WISHA will take the following actions
The complaint is within WISHA jurisdiction and an inspection doesn't appear to be needed at this time	<ul style="list-style-type: none"> • Call the employer to discuss the complaint • Set a deadline for the employer to respond in writing • Fax or mail a complaint notification letter to the employer. Before the complaint is faxed or mailed, the following names will be removed unless specific permission is given to include them: <ul style="list-style-type: none"> – The name of the person submitting the complaint – The names of any employees identified in the complaint • Evaluate the employer's response, and do one of the following: <ul style="list-style-type: none"> – Close the complaint because the issues have been addressed, and send a copy of the employer's response to the person filing the complaint. • Inspect the workplace <p>Note:</p> <ul style="list-style-type: none"> ➤ If the complaint is closed and additional information is received from the person filing the complaint disputing the employer's written response, WISHA may schedule an inspection ➤ If the person who filed the original complaint requests in writing that WISHA review a decision not to conduct an inspection, WISHA will review the decision and notify the person in writing of the results ➤ If the person requesting the review isn't satisfied with the results of the review, they may request a second review by the assistant director or designee
The complaint is within WISHA jurisdiction and an inspection needs to be conducted	<ul style="list-style-type: none"> • Conduct an inspection • Issue a citation and notice that shows one of the following: <ul style="list-style-type: none"> – Violations found – No violations were found • Send a letter to the person filing the complaint with inspection results <p>Reference:</p> <p>For citation and notice information, turn to citation and notice, WAC 296-900-130</p>
The complaint isn't within WISHA jurisdiction	<ul style="list-style-type: none"> • Send a written response to the person filing the complaint explaining the matter isn't within WISHA jurisdiction <p>Note:</p> <p>WISHA may make a referral to the proper authority</p>



Notes
